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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,083	11/29/2001	Jorg Schieferdecker	454-010513-US(PAR)	9326
2512	7590	08/24/2004	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			GABOR, OTILIA	
			ART UNIT	PAPER NUMBER
			2878	

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/914,083

Applicant(s)

SCHIEFERDECKER ET AL.

Examiner

Otilia Gabor

Art Unit

2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. The amendment filed 07/09/2004 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-8, 10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oda (EPO 0845664).

Oda describes (Col.6, lines 33-39) a sensor module comprising a sensor element (401), a reference means (403) and a processing circuit and combination means ("integrated circuit" mentioned in Col.6, lines 38), where the elements are formed as an integrated circuit on a single chip. The presence of a common housing is implied.

Regarding claim 1 Oda fails to specifically disclose a squaring means as the temperature sensitive reference means, however the use of squaring means is well known in the art of radiation detectors to process signals. Therefore, it would have been obvious to one of ordinary skill in the art to use such elements in the device of Oda for the advantage of enhanced signal.

Regarding claims 5, 6 the use of amplifiers is implied.

Regarding claim 10 Oda describes an imaging device (Col.1, lines 7-15).

Regarding claims 2, 3 and 11 conductive housings, small cylindrical housings and housings with windows are well known in the art of electronic devices. Therefore, it would have been obvious to one of ordinary skill in the art to use such housings in the device of Oda for the advantage of protection.

Regarding claim 4, TO5 housings are well known in the art of electronic devices. Therefore, it would have been obvious to one of ordinary skill in the art to use such housings in the device of Oda for the advantage of protection.

Regarding claim 8, signal compensation for power dissipation is well known in the art of electronic devices. Therefore, it would have been obvious to one of ordinary skill in the art to use such compensation in the device of Oda for the advantage of enhanced signal.

Regarding claim 13, digital programming means are well known in the art of electronic devices. Therefore, it would have been obvious to one of ordinary skill in the art to use such elements in the device of Oda for the advantage of flexible programming.

Regarding claims 14, 15, integrating amplifiers and A/D converters are well known in the art of radiation detectors. Therefore, it would have been obvious to one of ordinary skill in the art to use such elements in the device of Oda for the advantage of enhanced signal.

Regarding claim 16, the use of infrared radiation sensor to control a temperature value is well known in the art of infrared radiation sensors. Therefore, it would have been obvious to one of ordinary skill in the art to use circuits to enable such control in the device of Oda for the advantage of controlling temperature.

Regarding claim 18, the use of power functions to simulate the response of a sensor is well known in the art of sensors. Therefore, it would have been obvious to one of ordinary skill in the art to use such circuits to enable such simulation in the device of Oda for the advantage of proper temperature compensation.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oda and further in view of Rosenthal (U. S. Patent 4,801,804).

Oda does not teach the use of an electrically conductive window. However, Rosenthal teaches that an electrically conductive window in an infrared detector produces the advantage of shielding electromagnetic interferences (Col.4, lines 28-33). Therefore, it would have been obvious to one of ordinary skill in the art to provide such a window in the device of Oda for the advantage of electronic shielding.

Response to Arguments

6. Applicant's arguments filed 07/09/2004 have been fully considered but they are not persuasive. The Applicant's arguments regarding the presence of squaring means as the temperature sensitive reference means was replied to in the previous Office Action. That reply still applies here. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the compensation for the temperature dependency of the infrared-to-electric conversion) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

7. The Applicant mainly argues that the reference Oda does not disclose a temperature sensitive means which compensates for the temperature dependency of the photoelectric conversion element, however this argument has no weight because:

1) claim 1 is not a method claim but an apparatus claim which only includes the limitation that the sensor module comprises a temperature reference means providing a temperature dependent electric signal, which limitation is clearly disclosed by Oda

2) there is no limitation included in claim 1 as to the type or origin of the second electric signal, and thus there is nothing limiting this signal to one that is dependent of the photoelectric conversion characteristic.

As such, the claims are still rejected as shown in detail above.

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Otilia Gabor whose telephone number is 571-272-2435. The examiner can normally be reached on Monday-Friday between 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on 571-272-2444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2878

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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